

CHAPTER 8

RECREATION, BOATING AND SWIMMING

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8.01 Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

8.02 Applicability and Enforcement

The provisions of this ordinance shall apply to the Waters of Long (KEE-NONG-GO-MONG) Lake, Waubeesee Lake, Wind Lake, the Muskego Channel, the Wind Lake Channel, and the Anderson Channel within the jurisdiction of the Town of Norway. The provisions of this Ordinance shall be enforced by the Officers of the Town of Norway Lake Patrol.

8.03 Adoption of State Boating and Safety Laws

Sections 30.50 through 30.71, Wis. Stats., as amended from time to time, exclusive of penalty provisions are adopted and incorporated herein by reference as though fully set forth herein.

ORD. 92-1 (1/13/92)

8.04 Boating Regulations

(1) Speed.

- A. No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat or other conveyance in or on the water in compliance with legal requirements and exercising due care. In no event shall any person operate a motorboat at a speed in excess of 50 m.p.h.
- B. Except as set forth under Section 8.07(3) and unless an area is otherwise marked, no person may operate a watercraft within 300 feet of any main shoreline on any lake at a speed in excess of slow-no-wake speed.
- C. No person shall operate a motorboat or personal watercraft within 300 feet of any main shore line at a speed in excess of slow no wake, or as otherwise established by regulatory markers.
- D. A boat granted the right of way by this section shall maintain her course and speed, unless to do so would probably result in a collision.
- E. Boats leaving a dock or pier shall have the right-of-way over all other approaching motorboats.
- F. No person shall operate a boat a speed in excess of 50 m.p.h. No motor boat shall be operated outside the traffic lane at a speed in excess of 5 m.p.h. or idle speed.

ORD. 92-1 (1/13/92)

(2) Contests

No person shall operate a motorboat in a contest of speed or maneuverability unless such race or contest is authorized by the Town Board.

(3) Searchlights

No person shall continually or repeatedly cause the rays of a searchlight to rest upon the pilot of another boat.

8.05 Hours of Operation

(1) Wind Lake.

No motorboat shall be propelled upon the waters of Wind Lake at a speed in

excess of slow-no-wake between sunset and 9:00 a.m.

(2) Waubeesee and Long Lakes.

No motorboat shall be propelled upon the waters of Waubeesee or Long Lakes at a speed in excess of slow-no-wake between 6:00 p.m. and 9:00 a.m., Daylight Saving Time or between 5:00 p.m. and 9:00 a.m. Central Standard Time.

8.06 Swimming Regulated

No person shall swim within the water traffic lane unless accompanied by a staffed boat and shall remain within 50 feet of the boat at all times.

8.07 Water Skiing Regulated

(1) Prohibited At Certain Times Exceptions.

A. Except as provided in par. C, no person may operate a motorboat towing a person on water skis, aquaplane or similar device unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person being towed. An observer shall be considered competent if that person can in fact observe the person being towed and relay any signals to the operator. This observer requirement does not apply to motorboats classified as Class A motorboats by the Department actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat.

B. No person may engage in water skiing, aquaplaning, tubing or similar activity, at any time outside the hours of operation set forth in Section 8.05.

C. In addition to complying with par. A, no person may operate a personal watercraft that is towing a person who is on water skis, an aquaplane, a tube or similar device unless the personal watercraft is designed to seat at least 3 persons.

(2) Careful And Prudent Operation.

A person operating a motorboat having in tow a person on water skis, aquaplane, tube or similar device shall operate such boat in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(3) Restriction.

A. No person operating a motorboat that is towing persons engaged in water

skiing, aquaplaning, tubing or similar activity may operate the motorboat within 100 feet of any occupied anchored boat, any personal watercraft or any marked swimming area or public boat landing.

- B. No person who is engaged in water skiing, aquaplaning, tubing or similar activity may get within 100 feet of a personal watercraft or allow the tow rope while in use to get within 100 feet of a personal watercraft.
- C. No person may operate a personal watercraft within 100 feet of the following:
 - 1. A motorboat towing a person who is engaged in water skiing, aquaplaning, tubing or similar activity.
 - 2. The tow rope of a motorboat towing a person who is engaged in water skiing, aquaplaning, tubing or similar activity.
 - 3. A person who is engaged in water skiing, aquaplaning, tubing or similar activity.
- D. Paragraphs A. and C. do not apply to pickup or drop areas that are marked with regulatory markers and that are open to operators of personal watercraft and to persons and motorboats engaged in water skiing.

(4) Intoxicated Operation.

No person may use water skis, an aquaplane, a tube or a similar device while under the influence of an intoxicant to a degree which renders him or her incapable of safely using water skis, an aquaplane, a tube or a similar device, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely using water skis, an aquaplane, a tube or a similar device.

(5) Two Skiers Allowed.

No motorboat operator shall tow more than two persons on water skis, aquaplanes, tubes or similar devices without prior authorization from the Town Board. All downed or dropped skiers, skis, boards, tubes and similar devices shall be picked up immediately.

(6) Wake-Surfing Prohibited.

No wakesurfing shall be permitted (i.e., riding on surfboard or similar contrivance on wake of the boat without the control of a rope connected to a boat).

(7) State Law Incorporated

With the exception of the Subsection 1, Paragraph B, relating to permissible hours of operation, Wisconsin Statute Sec. 30.69, and any additions or amendments thereto, is incorporated herein by reference.

Ord. 2002-03 (5/29/2002)

8.08 Ramp Prohibited

No person shall construct, install or use in any manner, a ramp for skiing, jumping or for any purpose whatsoever, without prior authorization from the Town Board.

8.09 Littering Prohibited

No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure or from the shore, any cans, papers, bottles, debris, refuse, garbage, solid or liquid waste on or into the lake.

8.10 Possession of Glass Prohibited

No person shall possess or have under his or her control any bottle, jar, container, cup, other receptacle or any other object made of glass, ceramic, earthenware or similar breakable material while on any lake within the Town, whether the lake is frozen or unfrozen. This prohibition does not extend to eyeglasses, lenses or glass which is an integral part of sporting equipment used on the lake.

8.11 Seaplane Landings Prohibited

No person shall operate on the surface of any waters of the Town any seaplane or aircraft capable of landing on water. All waters shall be designated by standard marking devices to show the prohibition of such use.

8.12 Conduct at Public Access Sites

- (1) In this section the term "public access site" shall refer to any parcels of land on lakes in the Town of Norway owned, under easement, leased or administered by the State of Wisconsin and under the management, supervision and control of the Department of Natural Resources.
- (2) No person shall operate or park any vehicle, as defined in §340.01(74), Wis. Stat., as amended from time to time, and which is required to be registered by law, on any public access site, except as may be specifically authorized by law or administrative rule.
- (3) No person may enter or be within the boundaries of any public access site, including any posted parking areas therein, between the hours of 11:00 p.m. and

the following 6:00 a.m., except as permitted under the rules and regulations of the Department of Natural Resources, as amended from time to time.

- (4) No person shall park, stop or leave standing, whether attended or unattended, any vehicle or watercraft within a public access site, contrary to any posted notice therein.
- (5) No person may engage in violent, abusive, indecent, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke a disturbance or create a breach of the peace while within the boundaries of any public access site.
- (6) No person shall dispose of waste material in any manner at or within a public access site, except by placing the same in receptacles or other locations provided for that purpose.
- (7) No person shall engage in any activity or do any act which is contrary to the lawfully posted notices of the Department of Natural Resources at a public access site.

8.13 Uniform Aids to Navigation: Waterway Markers

(1) Definitions

- A. "Waterway marker" is any device designed to be placed in, or near any water within the Town, to convey an official message to a boat operator on matters which may affect health, safety, or well-being.
- B. "Regulatory marker" is a marker which has no equivalent in the U. S. Coast Guard aid to navigation.
- C. "State aid to navigation" is a waterway marker which is the equivalent of a U. S. Coast Guard aid to navigation.
- D. "Buoy" is any device designed to float which is anchored in the water and which is used to convey a message.

(2) Authority to Place Markers.

No waterway markers shall be placed in, on or near any waters within the Town, except such buoys or other markers as have been authorized by the Town or other political subdivision of the state or federal government.

(3) Waterway Markers used on Waters within the Town of Norway.

All state aids to navigation and regulator markers are to be marked and displayed in conformity with the regulations set forth in Section NR 5.09 of the Wisconsin Administrative Code, incorporated herein by reference as though fully set forth.

(4) Wind Lake Waterway Markers to be as follows:

2-Slow-No-Wake buoys out 300' from the ordinary high water line at the DNR boat launch (South Wind Lake Road); Map 1 #A & B; GPS locations: A: N42 49.893, W088 08.152, water depth 6 ft., B: N42 49.871, W088 08.148, water depth 6 ft.

2-Slow-No-Wake buoys out 300' from the ordinary high water line from the property lines of 25313 W. Loomis Road (a.k.a. Sportsman's); Map 1 #C & D; GPS locations: C: N42 49.870, W088 08.408; water depth 7 ft.; D: N42 49.893, W088 08.379, water depth 7 ft.

1-Danger Sandbar buoy located 150' from ordinary high water line from 25713 W. Loomis Road; Map 1 #G; GPS location: N42 49.649, W088 08.616; water depth 1.5 ft.

2-Red channel markers on northwest and southeast edge of Weed Island; Map 1 #H & I; GPS locations: H: N42 49.571, W088 08.523; water depth 4 ft. I: N42 49.358, W088 08.219, water depth 3 ft.

1-Green channel marker 300' from the ordinary high water line of 25713 W. Loomis Road; Map 1 #J; GPS location: N42 49.620, W088 08.601, water depth 4 ft.

1-Green channel marker south of the channel marked on the north by the red channel marker 1; Map 1 #K; GPS location: N42 49.342, W088 08.194, water depth 6 ft.

1-Danger Rock buoy 300' out from ordinary high water line of 7157 W. Wind Lake Road; Map 1 #L; GPS location: N42 49.048, W088 08.124, water depth 2.5 ft.

1-Danger Rock buoy 500' out from ordinary high water line of 7300 W. Wind Lake Road; Map 1 #M; GPS location: N42 49.113, W088 08.146, water depth 3 ft.

1-Danger Rock buoy on east edge of entrance to the bay at Breezy Point Road; Map 1 #N; GPS location: N42 49.144, W088 08.406, water depth 2.5 ft.

1-Danger Rock buoy located due south of 26111 W. Loomis Road and south of Wood Island; Map 1 #P; GPS location: N42 49.193, W088 08.945, water depth 2.5 ft.

2-Center of Channel buoys located 150' and 300' south of the centerline of the Muskego Inlet Canal; Map 1 #Q & R; GPS locations: Q: N42 50.030, W088 08.141, water depth 3 ft.; R: N42 50.006, W088 08.145, water depth 3 ft.

1-Slow-No-Wake buoy located 300' from the ordinary high water line of 26335 Schad Drive; Map 1 #S; GPS location: N42 49.332, W088 08.304, water depth 5 ft.

1-Center of Channel buoy on the centerline of the channel between Wood Island and mainland; Map 1 #S; GPS location: N42 49.332, W088 08.304, water depth 3 ft.

2-Center of Channel buoys, one located near the northern edge of the navigational channel and the other midway between the two Center-of-Channel buoys; Map 1 #U & V; GPS location: U: N42 49.482, W088 08.367, water depth 4 ft.; V: N42 49.447, W088 08.352, water depth 3.5 ft.

4-Slow-No-Wake buoys placed 400' apart and 400' from the wooded shoreline of DNR Wooded Island; Map #ZA to ZD; GPS locations: ZA: N42 49.599, W088 08.171, water depth 9 ft.; ZB: N42 49.562, W088 08.141, water depth 7.5 ft.; ZC: N42 49.520, W088 08.095, water depth 7 ft.; ZD: N42 49.429, W088 08.009, water depth 7 ft.

3-Slow-No-Wake buoys placed 400' apart 400' northeast of Weed Island; Map 1 #ZE to ZG; GPS locations: ZE: N42 49.586, W088 08.355, water depth 4.5 ft.; ZF: N42 49.541, W088 08.321, water depth 5 ft.;

3-Slow-No-Wake buoys placed 400' apart 400' southwest of Weed Island; Map 1 #ZH to ZJ; GPS locations: ZH: N42 49.446, W088 08.488, water depth 3 ft.; ZI: N42 49.398, W088 08.411, water depth 4 ft.; ZJ: N42 49.336, W088 08.349, water depth 4 ft.

4-Slow-No-Wake buoys placed 600' apart, 600' south of Muskego Inlet Canal buoys and proceeding south; Map 1 #ZK to ZN: GPS locations: ZK: N42 49.576, W088 08.714, water depth 4 ft.; ZL: N42 49.702, W088 08.790, water depth 4.5 ft.; ZM: N42 49.820, W088 08.873, water depth 4 ft.; ZN: N42 49.876, W088

08.938, water depth 4 ft.

See Following Map of Wind Lake for Layout of all Buoys.

Ord 2001-04 (6/27/2001)

Readopted with DNR approval 9/10/01

(5) Waubeesee Lake Waterway Marks to be as follows:

1-Slow-No-Wake buoy located in middle of channel behind 7718 Martha Circle

1-Slow-No-Wake buoy located in middle of channel behind 27107 Waubeesee Lake Drive

1-Slow-No-Wake buoy located 300' behind 27009 Waubeesee Lake - 10 - Drive

1-Slow-No-Wake buoy located 300' from 26625 Roosevelt Lane

1-Slow-No-Wake buoy located 300' out from 26619 Roosevelt Lane

1-Slow-No-Wake buoy located 300' out from 7236 South Loomis Road

1-Slow-No-Wake buoy located 300' out from 7152 South Loomis Road

1-'Rock' Hazard Warning Waterway Marker located approx. 70' west of the pier located at 26906 South Elm Lane.

Ord. 2006-006 12/11/2006

See Following Map of Waubeesee Lake for Details.

(6) Installation, Removal and Maintenance.

Waterway markers shall be installed and removed by the Town of Norway Lake Patrol. Off-season transportation, maintenance and storage are to be performed by the Department of Public Works.

8.14 Winter Regulations for Icebound Lakes

(1) Intent

It is the intent of this ordinance to provide the basic guidelines and parameters for the safe and healthful use of and conduct of activities on all lakes in the Town of Norway during periods when the lakes are frozen or partially frozen subject to the grant of authority under Section 30.81 of the Wisconsin Statutes.

(2) Compliance with State Laws

Except as otherwise specifically provided in this section, the provisions of Section 23.33, 86.192, 961.47, and Chapters 125, 350, 938 through 948 of the Wisconsin Statutes, described and defining regulations generally with respect to vehicles and traffic conduct, snowmobiles, signage and all terrain vehicles, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is imprisonment, and including any amendments thereto, are adopted by reference and made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this section.

(3) Definitions

For the purpose of this section, the following definitions shall be applicable:

- A. All-Terrain Vehicle or ATV—Any engine driven device as defined in Section 340.01 (2g), Wisconsin Statutes, and any other multiaxle, two, three or four wheeled vehicle, or combination wheel and track (runner) vehicle, not otherwise defined herein, powered by a small motor(s) or fan and designed to be operated on snow, ice, grass, dirt, gravel, sand or wetland, whether or not required to be licensed by state law.
- B. Snowmobile—Any engine drive vehicle as defined in Section 340.01 (59a), Wisconsin Statutes.
- C. Automobile—Any motor vehicle as defined in Section 340.01(4), Wisconsin Statutes.
- D. Motor Truck—Any motor vehicle as defined in Section 340.01(34), Wisconsin Statutes.
- E. Recreational Vehicles or RV—Any mobile home as defined in 3430.01(29), Wisconsin Statutes, and any motor home as defined in Section 340.01(33m), Wisconsin Statutes.
- F. Motorcycle—Any motorized vehicles as defined in Section 340.01(32), Wisconsin Statutes, including a moped as defined in Section 340.01(29m), Wisconsin Statutes, and a motor bicycle as defined in Section 340.01(30), Wisconsin Statutes.
- G. Iceboat—A sailboat-like structure with runners or wheels intended to be

wind powered on a solid surface.

- H. Vehicles—All the above vehicles plus any other vehicle powered by motor or wind.
- I. Ice Shanties—Structures which are parked or erected on the ice for use as warming buildings or ice fishing shelters, but not including RVs, trucks and automobiles.
- J. Activities and Events—Shall include, but not be limited to sporting events, fisheries, and iceboat and snowmobile races.

(4) Speed Restrictions

- A. No iceboat, ATV, or snowmobile shall be operated on an icebound lake in the Town of Norway at a speed greater than is reasonable and prudent under the circumstances then existing.
- B. All other vehicles including, but not limited to automobiles, motor trucks, and RVs shall not exceed a speed of 10 MPH on any icebound lake in the Town of Norway.

(5) General Regulations

The following regulations shall apply to icebound lakes in the Town of Norway.

- A. No person shall operate a vehicle on any cleared skating areas.
- B. No person shall operate a vehicle in any area where authorized events are being held, unless the vehicle is required or permitted for such event, and only to such extent.
- C. No person shall use or operate any vehicle in any manner so as to endanger any person on the lake.
- D. No person while operating a vehicle shall push, pull or tow any person on skates or skis.
- E. No person while operating a vehicle shall push, pull or tow any device, whether occupied or unoccupied, unless such device is attached by a rigid tow bar to the frame of the towing vehicle. Such devices shall include, but shall not be limited to, sleds, toboggans, and inner tubes.

- F. No person shall operate any motorized vehicle in an erratic or free wheeling manner. All such maneuvers, including, but not limited to, “wheelies”, “donuts”, “skating” the vehicle, “spinning out” and wheel spinning, are prohibited.
- G. No person shall operate any vehicle powered by an internal combustion engine which is not equipped with a muffler, nor shall any person operate such vehicle in a manner so as to create excessive noise.
- H. No person shall operate any vehicle during hours of darkness unless equipped with and using adequate, operating head light(s) and tail Light(s).
- I. No person shall throw, place or permit to remain on or below the surface of any lake any vehicles, glass, earth, stones, grass, brush, leaves, petroleum product, garbage, excrement, refuse, waste, filth or other litter.
- J. Ice Shanties.
 - 1. No ice shanty may be placed or left on the ice before December 1 or after March 5, or for such shorter period as is ordered by the police department of the Town of Norway. Any ice shanty placed or left in violation of this regulation may be impounded.
 - 2. Ice shanties shall at all times display a red reflective material of at least nine (9) square inches in size on all sides, approximately 3 ½ feet from the bottom of the shanty and visible from 100 feet away.
 - 3. Ice shanties or shelters left on any lake overnight shall display the name, address and phone number of the owner on the exterior of the shanty on or near the door or entryway. Letters are to be at least 2” in height.
 - 4. Ice shanties shall be constructed of materials which will not be destroyed or quickly deteriorate in wind or rain.
- K. Ice Cutting
 - 1. Holes cut, augured, or chiseled in the ice for purposes of fishing, shall not be larger than 12 inches in diameter.
 - 2. Holes cut, augured or chiseled in the ice for purposes of diving, may be larger than 12 inches in diameter, but such holes shall be clearly marked with light-reflective markers. When not in use, the

ice shall be replaced in such hole and markers shall be placed until the hole freezes solid and is no longer a hazard.

- L. It shall be unlawful to fail, or refuse to comply with, any lawful order, signal, or direction of a Town police officer or a lake patrol officer. No person operating a vehicle, after having received a visual or audible signal from an officer or marked police vehicle, shall flee or attempt to elude any officer, willfully or wantonly disregard such signal, interfere with or endanger the operation of the police vehicle, the officer or other vehicles or persons, increase the speed of the vehicle or to extinguish the lights of the vehicle in an attempt to elude or flee apprehension.

(6) Special Events, Risks and Liabilities

- A. No special sporting event, fisheree, iceboat race, exhibition or other activity or event shall be conducted on any lake unless a permit for such activity or event has been issued by the Town Board of the Town of Norway.
- B. If at any time the police department concludes that the lake is unsafe for vehicle operation or other activities, it may declare the lake unsafe and order it closed to such traffic and/or activity, and all such vehicle operation and activities shall cease.
- C. All traffic and activities on a lake shall be at risk of the operator of the vehicle or pedestrian as provided in Section 30.81(3), Wisconsin Statutes, and nothing in this code shall be construed as shifting or placing such risk or liability to or on any other parties or on any units or agencies of government.
- D. Applicability
This section shall apply to any lake located wholly within the Town of Norway. This section shall also apply to any lake located partially within the Town of Norway if and when all other towns, villages or cities having jurisdiction over any portion of such lake have enacted identical provisions.
- E. Penalty
Any person, firm, association or corporation violating any provision of this ordinance or the Wisconsin Statutes incorporated herein by reference shall be subject to the penalties provided in Section 8.30.

8.30 **Penalty**

- (1) Except as set forth below, any person, firm, association or corporation violating any provision of this chapter shall forfeit not more than \$50.00 upon conviction for a first offense and not more than \$100.00 upon conviction of the same offense, a second or subsequent time within one year, together with the costs of prosecution in accordance with state law.
- (2) Any person violating Section 8.04(5) shall be fined not more than \$200.00, together with the costs of prosecution in accordance with state law. Any person violating Section 8.04(5) shall be required to obtain a certificate of satisfactory completion of a safety course under Wis. Stat. §30.74(l).

Ord. No. 2000-1 (01/10/2000)